

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

DESHAWN DAWSON, on behalf of himself
and all others similarly situated,

Plaintiff

against

KEITH DE LELLIS GALLERY, LLC,

Defendant,

Case No. 1:19-cv-00521-LGS

ORDER TO SHOW CAUSE

Upon the Declaration of Joseph H. Mizrahi, counsel for Plaintiff, Deshawn Dawson, dated April 10, 2019, and the exhibits attached thereto, it is hereby:

ORDERED, that the above named Defendant, Keith De Lellis Gallery LLC, show cause at a term of this Court, before the Honorable Judge Schofield, J, in courtroom 1106, United States District Court for the Southern District of New York, 500 Pearl Street, in the City, County and State of New York, on the _____ day of _____, 2019, ____ o'clock in the forenoon of that day, or as soon thereafter as counsel may be heard, why a Default Judgment ought not be entered against it, pursuant to Federal Rules of Civil Procedure ("FRCP"), Rule 54(b) and 55(b), in favor of Plaintiff, Deshawn Dawson, *et al*, based upon Defendant's failure to answer or otherwise appear in this action, for the following relief:

- a) A preliminary and permanent injunction to prohibit Defendant from violating the American With Disabilities Act, 42 U.S.C. 12182, et seq., N.Y. Exec. Law 296, et seq., N.Y.C. Administrative Code 8-107, et seq., and the laws of New York;
- b) A preliminary and permanent injunction requiring Defendant to take all the steps necessary to make its website fully complaint with the requirements set forth in the

ADA, and its implementation of regulations, in order that the website is readily accessible to and usable by all blind or sight-impaired individuals;

- c) A declaration that the Defendant owns, maintains and/or operates the Defendant's website in a manner that discriminates against the blind and/or sight-impaired and which fails to provide access for persons with disabilities as required by the Americans With Disabilities Act, 42 U.S.C. 12182, et seq., N.Y. Exec. Law 296, et seq., N.Y.C. Administrative Code 8-107, et seq., and the laws of New York;
- d) An order certifying that the Class and Sub-Class under FRCP 23(a) & (b)(2) and/or (b)(3), appointing the Plaintiff as Class representative, and his attorneys as Class counsel;
- e) An order certifying that the Class and Sub-Class under FRCP 23(a) & (b)(2) and/or (b)(3), appointing the Plaintiff as Class representative, and her attorneys as Class counsel;
- f) Compensatory Damages and Civil Fines, pursuant to NYSHRL, and NYCHRL, in the amount of \$1,000;
- g) Reasonable attorney fees at the discretion of this Honorable Court.

IT IS FURTHER ORDERED, that service of a copy of this Order and the papers upon which it is based, shall be served: (i) upon Defendants, or their attorneys who agree to accept service upon their behalf, on or before _____, 2019, and such service shall be deemed good and sufficient service.

IT IS FURTHER ORDERED, that Defendants shall deliver any opposing papers in response to this Order to Show Cause no later than _____, _____, 2018, at 5:00 p.m. service

shall be made by delivering the papers, using the most expeditious means available, by that date and time to Plaintiff's counsel at 300 Cadman Plaza West, 12th Floor, Brooklyn, NY 11201.

Plaintiff's counsel shall have until _____, _____, 2018, at 5:00 p.m. to serve any reply papers upon Defendant or their counsel, if counsel shall have made an appearance in this action.

The Defendant is advised that failure to respond to the Order to Show Cause may be grounds for the granting of a default judgement against it, in which event the defendant will have no trial.

Dated:

Hon. Judge Lorna G. Schofield, U.S.D.J.